

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ELENA MILLER,

Plaintiff(s),

vs.

NATIONWIDE MUTUAL INSURANCE  
COMPANY, et al.,

Defendant(s).

Case No. 2:13-cv-01659-APG-NJK

ORDER DENYING PROPOSED  
DISCOVERY PLAN (Docket No. 13)

Pending before the Court is the Proposed Discovery Plan and Scheduling Order, Docket No. 11, which is hereby **DENIED**. The proposed discovery plan is deficient in a number of respects. First, the Local Rules require proposed discovery plans to “state the date the first defendant answered or otherwise appeared.” Local Rule 26-1(e)(1). The submitted discovery plan fails to do so. Second, the presumptive discovery period is 180 days from the date the first defendant answers or appears. Local Rule 26-1(e)(1). The proposed plan seeks roughly six months of additional time for discovery based on the unelaborated assertion that there is expected to be a “large volume of documents and information.” *See* Docket No. 11 at 2. This is not a sufficient reason for extended discovery. Third, the discovery plan erroneously states on multiple occasions that it is “**SUBMITTED IN COMPLIANCE WITH LR 26-1(e)**.” *See, e.g., id.* (emphasis in original). That moniker is appropriate where the deadlines requested follow the presumptively reasonable discovery period. *See* Local Rule 26-1(d). “If longer deadlines are sought, the plan shall state on its

1 face "SPECIAL SCHEDULING REVIEW REQUESTED." *Id.* As noted above, the parties are  
2 seeking a discovery period that does not comport with the deadlines outlined in Local Rule 26-1(e).  
3 Accordingly, the proposed discovery plan and scheduled order is hereby **DENIED**. The parties  
4 shall submit a proposed discovery plan that complies with the Local Rules no later than November  
5 12, 2013.

6 "It is a simple task to comply with the Local Rules governing submission of a proposed  
7 discovery plan." *Sierzega v. Country Preferred Ins. Co.*, 2013 U.S. Dist LEXIS 120095, \*1 (D.  
8 Nev. Aug. 22, 2013). "The Local Rules clearly articulate a set of deadlines that are deemed  
9 presumptively reasonable, and establish the procedures for requesting deadlines different from the  
10 typical deadlines." *Id.* The parties have now failed to comply with straightforward rules regarding  
11 submission of a discovery plan (and the holding of the Rule 26(f) conference) twice. The Court  
12 expects the future discovery plan to be filed in this case will comply with the Local Rules. To the  
13 extent it does not, counsel and the parties should be aware that the Court may impose sanctions.  
14 *See, e.g.*, Local Rule IA 4-1.

15 IT IS SO ORDERED.

16 DATED: November 8, 2013

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20 NANCY J. KOPPE  
21 United States Magistrate Judge  
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